

VZCZCXRO0860
RR RUEHAG RUEHBC RUEHDE RUEHDIR RUEHKUK RUEHROV
DE RUEHLO #1433 1431238
ZNY CCCCC ZZH
R 221238Z MAY 08
FM AMEMBASSY LONDON
TO RUEHC/SECSTATE WASHDC 8718
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE
RUCNIRA/IRAN COLLECTIVE

C O N F I D E N T I A L LONDON 001433

SIPDIS

E.O. 12958: DECL: 05/22/2018
TAGS: [PGOV](#) [PHUM](#) [PREF](#) [PREL](#) [EU](#) [IR](#) [NL](#) [UK](#)
SUBJECT: IRAN: UK GRANTS ASYLUM TO VICTIM OF TEHRAN
PERSECUTION OF GAYS, CITING PUBLICITY

REF: EMBASSY LONDON DAILY MAY 21

Classified By: Acting Political Counselor Leslie Tsou for reasons 1.4 (b) and (d)

¶1. (C) Summary: Reversing an earlier decision, and in the wake of considerable coverage in the UK press, the Home Office on May 20 granted asylum to a gay Iranian teenager who had claimed persecution by Iranian authorities. The HMG decision was not a finding of systematic persecution of homosexuals in Iran, and left in place the UK requirement that every gay Iranian asylum petitioner in the UK must prove systematic persecution as an element of his/her case. An FCO contact intimated to London Iran Watcher (IW) that HMG may revisit this heavy burden of proof it imposes on gay asylum seekers after an upcoming key phase of the nuclear confrontation with Tehran has been resolved. End Summary.

Gay Iranian Feared Execution, Gets Asylum

¶2. (SBU) Iranian national Mehdi Kazemi was granted asylum in the UK on May 20. After coming to the UK to study in 2005, Kazemi learned his partner in Iran had been convicted of sodomy and executed, and had named Kazemi before his death. Kazemi therefore feared for his life if forced to return. After his asylum claim was originally denied by the Home Office, Kazemi fled to the Netherlands, but was deported back to the UK because he had no standing to seek asylum in the Netherlands (the UK having been the country of "first arrival").;

¶3. (U) Human rights activists and opponents of the Iranian regime claim between 4,000 and 6,000 gay men and lesbians have been executed in Iran for crimes related to their sexual preference since 1979.; Following Kazemi's return to the UK in March, there was Parliamentary criticism of HMG's practice of handling Iranian asylum petitioners reporting persecution for sexual orientation on a case-by-case factual basis rather than, as in many EU jurisdictions, having in place a blanket finding that such persecution exists in Iran. Soon after Kazemi's return to the UK, the Home Secretary agreed to reconsider his case.

UK Limits Legal Scope of the Decision

¶4. (SBU) The FCO told IW there is no change to HMG policy on victims of persecution in Iran for sexual orientation, in that Kazemi was granted Extraordinary Leave to Remain; the Home Office had found the unusually high level of attention the case generated had in effect precluded Kazemi's safe return to Iran, regardless of whether his initial claim of persecution was well-founded. Future gay asylum petitioners from Iran will still have to prove "de novo" to UK authorities the existence of persecution of gays in their country. Separate Home Office comments to Poloff on May 22 confirmed the FCO explanation, noting gender preference is

not a basis for asylum, but that Kazemi was found to be a de facto "gay rights campaigner."

¶5. (C) FCO also noted another sexual orientation Iran asylum case is pending at the Home Office, for a woman, Pegah Emambakhsh, age 40. Her case has also received attention in the UK press and the FCO speculated that Emambakhsh's forthcoming result may be decided in a way similar to that in Kazemi's case, since the P5 1 offer will soon be delivered in Tehran.

¶6. (C) Embassy Comment: The UK attaches great importance to Iran's reaction to the P5 1 nuclear offer, delivery of which is now pending. HMG therefore may, in its handling of the Kazemi and similar cases, be acting to insure the safety of asylum applicants already in the UK, but delaying at least for now a hardening of its public position on this type of human rights violation by the regime. HMG can be expected to avoid new tensions with Tehran over potentially volatile issues, such as homosexual rights, while immediate, overriding nuclear issues are pending.

;
Visit London's Classified Website:
http://www.intelink.sgov.gov/wiki/Portal:United_Kingdom
TUTTLE